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A/RES/52/156
26 January 1998

Fifty-second session
Agenda item 147

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/52/648)]

52/156. Report of the International Law Commission on the work of its forty-ninth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-ninth session,[1]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and

[1] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 10* (A/52/10).

[2] Resolution 2625 (XXV), annex.

codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of government representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

1. *Takes note* of the report of the International Law Commission on the work of its forty-ninth session,[1] and expresses its appreciation to the Commission for the work accomplished at that session, in particular for the completion of the first reading of draft articles on nationality of natural persons in relation to the succession of States and for the preliminary conclusions on reservations to normative multilateral treaties, including human rights treaties;

2. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on all the specific issues identified in chapter III of its report and in particular on:

(*a*) The draft articles on nationality of natural persons in relation to the succession of States adopted on first reading by the Commission, and urges them to submit their comments and observations in writing by 1 October 1998;

(*b*) The preliminary conclusions of the Commission on reservations to normative multilateral treaties, including human rights treaties;

3. *Recommends* that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. *Takes note* of the invitation by the International Law Commission to all treaty bodies set up by normative multilateral treaties that may wish to do so to provide, in writing, their comments and observations on the preliminary conclusions of the Commission on reservations to normative multilateral treaties, including human rights treaties, and takes note of the views expressed by Member States on the matter;

5. *Invites* Governments to submit comments and observations on the practical problems raised by the succession of States affecting the nationality of legal persons in order to assist the International Law Commission in deciding on its future work on this portion of the topic of "Nationality in relation to the succession of States";

6. *Recalls* the importance for the International Law Commission of having the views of Governments on the draft articles on State responsibility adopted on first reading by the Commission at its forty-eighth session in 1996;[3]

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[3] See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 10* and corrigendum (A/51/10 and Corr.1), chap. III, sect. D.

7. *Takes note* of the decision by the International Law Commission[4] to proceed with its work on the topic of "International liability for injurious consequences arising out of acts not prohibited by international law", undertaking, as a first step, the issue of prevention, and to reiterate its request to Governments to provide in writing, if they have not previously done so, their comments and observations on the topic, including the draft articles prepared by the Working Group of the Commission at its forty-eighth session in 1996,[5] in order to assist the Commission in its work on that topic;

8. *Endorses* the decision of the International Law Commission to include in its agenda the topics "Diplomatic protection" and "Unilateral acts of States";[6]

9. *Welcomes with appreciation* the steps taken by the International Law Commission in relation to its internal matters, and encourages it to continue enhancing its efficiency and productivity, taking into consideration the discussion held by the General Assembly at its fifty-second session;

10. *Takes note* of the comments of the International Law Commission on the question of a split session for 1998, as presented in paragraphs 225 to 227 of its report;[1]

11. *Takes note also* of the position of the International Law Commission contained in paragraph 228 of its report[1] on the duration of its future sessions;

12. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

13. *Takes note with appreciation* of the International Law Commission's ongoing review of its cooperation and relationship with other bodies concerned with international law, and requests the Commission, in consultation with the Secretary-General, to consider further the implementation of article 16, paragraph (*e*), and article 26, paragraph 2, of its statute;

14. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the Commission and in formulating their comments and observations;

15. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

16. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

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[4] Ibid., *Fifty-second Session, Supplement No. 10* (A/52/10), para. 168.

[5] Ibid., *Fifty-first Session, Supplement No. 10* and corrigendum (A/51/10 and Corr.1), annex I.

[6] Ibid., *Fifty-second Session, Supplement No. 10* (A/52/10), para. 221.

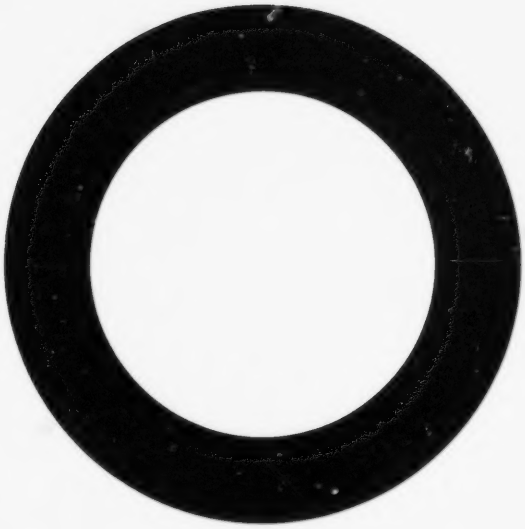
17. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-second session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. *Expresses its appreciation* to the Secretary-General for the organization of a colloquium on the progressive development and codification of international law which was held on 28 and 29 October 1997 in commemoration of the fiftieth anniversary of the establishment of the International Law Commission;

19. *Welcomes* the decision of the International Law Commission to hold a two-day seminar at Geneva on 22 and 23 April 1998 to celebrate the fiftieth anniversary of the Commission;

20. *Recommends* that the debate on the report of the International Law Commission at the fifty-third session of the General Assembly commence on 26 October 1998.

72nd plenary meeting
15 December 1997



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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Sixth Committee (A/52/649)*]

52/157. Report of the United Nations Commission on International Trade Law on the work of its thirtieth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and thereby to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the Commission on the work of its thirtieth session,[1]

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

[1] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 17* (A/52/17).

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirtieth session;[1]

2. *Notes with satisfaction* the completion and adoption by the Commission of the Model Law on Cross-Border Insolvency;[2]

3. *Commends* the Commission for the progress made in its work on receivables financing, digital signatures and certification authorities, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;[3]

4. *Appeals* to Governments that have not yet done so to reply to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards;

5. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

6. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(*a*) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(*b*) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

7. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

(*a*) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Barbados, Egypt, the Lao People's Democratic Republic, Malaysia, South Africa, Thailand and Viet Nam;

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[2] Ibid., annex I; see also resolution 52/158.

[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

(*b*) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. *Appeals* to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-second session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. *Requests* the Secretary-General to ensure the effective implementation of the programme of the Commission;

13. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

72nd plenary meeting
15 December 1997